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181717Z Feb 05

ACTION SWCI-00

INFO	LOG-00	NP-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00
USNW-00	DODE-00	PERC-00	DS-00	EB-00	EUR-00	FBIE-00	
VC-00	H-00	TEDE-00	INR-00	IO-00	L-00	CAC-00	
VCE-00	M-00	NEA-00	DCP-00	NSAE-00	NSCE-00	OIC-00	
OIG-00	PA-00	GIWI-00	PRS-00	P-00	CFPP-00	FMPG-00	
SP-00	SSO-00	SS-00	STR-00	TRSE-00	SCRS-00	DSCC-00	
PRM-00	DRL-00	G-00	SAS-00	/000W			

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FM AMEMBASSY NDJAMENA
TO SECSTATE WASHDC PRIORITY 0995
INFO AFRICAN UNION COLLECTIVE
DARFUR COLLECTIVE
AMEMBASSY KHARTOUM
USLO TRIPOLI
USMISSION GENEVA

C O N F I D E N T I A L NDJAMENA 000260

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DEPARTMENT FOR S/WCI PROSPER; LONDON AND PARIS FOR AFRICA
WATCHERS

E.O. 12958: DECL: 02/18/2015
TAGS: KDEM KPKO PHUM PREL KAWC SU CD
SUBJECT: PRESIDENT DEBY DOUBTS AFRICAN UNION'S CAPACITY ON
SUDAN TRIBUNAL

REF: A. STATE 21439

1B. LIBREVILLE 121

Classified By: Ambassador Marc M. Wall for reasons 1.4 (B) and (D)

11. (C) Summary. The African Union (AU) is not up to the task of establishing a tribunal on Darfur, but the decision on how to proceed should reflect whatever AU consensus is reached, President Deby told the Ambassador February 18. In the meeting held to convey the Secretary's letter to him on the subject, Deby also insisted that those responsible for atrocities be held accountable. Earlier on February 16, Ambassador-at-Large for War Crimes Issues Prosper pressed the U.S. position in discussions with Gabon's President Bongo and AU officials on the margins of the meeting of African leaders on Darfur. End Summary.

12. (C) The Ambassador met Chad's President Idriss Deby February 18 to discuss the U.S. proposal for a UN/AU "Tribunal for Sudan." Deby's Special Advisor Alam-mi and P/E officer participated in the meeting. The Ambassador had requested the meeting the day before for the purpose of delivering the Secretary's letter carried to N'Djamena by Ambassador-at-Large for War Crimes Issues Pierre Prosper. Prosper did not have an opportunity to present the letter to Deby while in N'Djamena February 16 on the margins of the meeting of several AU heads of state on Darfur. Prosper had earlier raised the proposal with Deby during discussions at a CEMAC heads of state meeting in Libreville on February 11 (ref B).

13. (C) The Ambassador underlined U.S. concern to ensure accountability for crimes committed in Darfur, outlined the U.S. proposal for the UN/AU tribunal, and presented Deby the Secretary's letter along with the Sudan Tribunal Concept

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paper (ref A). After reading the French translation, Deby said Chad is committed to bringing to justice those responsible for committing crimes in Darfur. He spoke of massive violations against human rights taking place in Darfur. He stressed the urgency of taking action to try the offenders while attention of the international community is still focused on the issue.

14. (C) Deby described two schools of thought within the AU on how to move forward, i.e., working through the International Criminal Court (ICC) or through African institutions. He said Chad's position sided with the ICC option. He questioned several times the AU's capacity to do the job. He doubted the financial resources or legal expertise are available in Africa. He had reservations about the performance of the International Criminal Tribunal for Rwanda in Tanzania. He was concerned that an AU tribunal would have to deal with crimes committed in Cote d'Ivoire, the Great Lakes, and other African countries, leaving it too stretched to handle cases in Sudan. Deby also stressed that Africa's position on where to prosecute the crimes would be taken by the AU collectively, not by countries individually.

¶5. (C) The Ambassador responded that the U.S. approach had the advantage of making use of the existing mechanism in Tanzania. It would also serve to reinforce the AU's capacity to deal with such cases. He noted U.S. interest in supporting a exercise carried out in Arusha and the obstacles we would face in doing so through the ICC. He pointed to ICC's lack of competence in prosecuting cases that occurred before mid-2002.

¶6. (C) Deby acknowledged these points and promised to provide a more precise response. He welcomed the suggestion to continue discussions with Foreign Minister Yamassoum and Foreign Policy Advisor Alam-mi. He reiterated that Africa's position would be a collective AU decision. He believed that AU Chairperson Konare's upcoming visit to New York would be an opportunity to discuss the matter.

¶7. (C) During his stop in N'Djamena January 16, Ambassador Prosper had the opportunity to meet with Gabon's President Bongo to discuss the U.S. proposal. Bongo expressed his support as well as a willingness to raise the issue with Konare and other African leaders. Ambassador Prosper also outlined U.S. views with Sam Ibok, AU Special Representative for Darfur. Ibok took careful note of the presentation and promised to convey the points to Konare in Addis Ababa.

¶8. (C) Comment. Deby's insistence on ensuring accountability is a welcome sign that he has at least crossed the first hurdle in considering a tribunal on Sudan. Given

his complicated relations with Khartoum and some of the parties implicated in the conflict in Darfur, his support for establishing a tribunal in any form was not a foregone conclusion. He does not appear dug in on the option of using the ICC. We expect he would go along with any AU consensus, though not necessarily going out of his way to shape it. End Comment.

¶9. (U) Khartoum and Tripoli minimize considered.
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